

(6) 5261 Seventh Street in Bay City to the entrance of Port Freeport using State Highway 35, Loop 419, State Highway 36, and Farm-to-Market Road 1495.

SECTION 5. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 12, 2017: Yeas 30, Nays 1.

Approved May 26, 2017.

Effective September 1, 2017.

**IMPROPER RELATIONSHIPS BETWEEN EDUCATORS AND
STUDENTS AND REPORTING OF EDUCATOR MISCONDUCT;
CREATING A CRIMINAL OFFENSE AND EXPANDING THE
APPLICABILITY OF AN EXISTING OFFENSE; AUTHORIZING
AN ADMINISTRATIVE PENALTY**

CHAPTER 178

S.B. No. 7

AN ACT

relating to improper relationships between educators and students and reporting of educator misconduct; creating a criminal offense and expanding the applicability of an existing offense; authorizing an administrative penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 21.12(a), Penal Code, is amended to read as follows:

(a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works;

(2) holds a position described by Section 21.003(a) or (b), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, ~~[a certificate or permit issued as provided by Subchapter B, Chapter 21, Education Code, or is a person who is required to be licensed by a state agency as provided by Section 21.003(b), Education Code,]~~ and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is:

(A) enrolled in a public or private primary or secondary school, *other than a school described by Subdivision (1)* ~~[in the same school district as the school at which the employee works];~~ or

(B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if:

~~[(i)]~~ students enrolled in a public or private primary or secondary school are the primary participants in the activity; ~~and~~

~~[(ii)] the employee provides education services to those participants;~~ or

(3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.

SECTION 2. Article 42.01, Code of Criminal Procedure, is amended by adding Section 12 to read as follows:

Sec. 12. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0192.

SECTION 3. Article 42.018(a), Code of Criminal Procedure, is amended to read as follows:

(a) This article applies only to:

(1) ~~the~~ conviction or deferred adjudication *community supervision* granted on the basis of an offense for which a conviction or grant of deferred adjudication *community supervision* requires the defendant to register as a sex offender under Chapter 62; or

(2) conviction of:

~~[(A)] an offense under Title 5, Penal Code, or~~

~~[(B) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62; and~~

~~[(2)] if the victim of the offense was [is] under 18 years of age at the time the offense was committed.~~

SECTION 4. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0192 to read as follows:

Art. 42.0192. FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense described by Section 824.009, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the offense committed was related to the defendant's employment described by Section 824.009(b), Government Code, while a member of the Teacher Retirement System of Texas.

(b) A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 824.009(l), Government Code, as applicable.

SECTION 5. Section 21.006, Education Code, is amended by amending Subsections (b), (b-1), (c), (e), and (f) and adding Subsections (b-2), (c-1), (i), and (j) to read as follows:

(b) In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of a school district, *district of innovation*, open-enrollment charter school, regional education service center, or shared services arrangement shall notify the State Board for Educator Certification if:

(1) an educator employed by or seeking employment by the *school district, district of innovation, charter school, service center, or shared services arrangement* has a criminal record and the *school district, district of innovation, charter school, service center, or shared services arrangement* obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code;

(2) an educator's employment at the *school district, district of innovation, charter school, service center, or shared services arrangement* was terminated and there is ~~based on~~ evidence that the educator:

(A) abused or otherwise committed an unlawful act with a student or minor;

(A-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

(B) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(C) illegally transferred, appropriated, or expended funds or other property of the *school district, district of innovation, charter school, service center, or shared services arrangement*;

(D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;

(3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2); or

(4) the educator engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301.

(b-1) A superintendent or director of a school district, *district of innovation*, [or] open-enrollment charter school, *regional education service center*, or *shared services arrangement* shall complete an investigation of an educator that involves ~~[is based on]~~ evidence that the educator may have engaged in misconduct described by Subsection (b)(2)(A) or (A-1), despite the educator's resignation from ~~[district or school]~~ employment before completion of the investigation.

(b-2) *The principal of a school district, district of innovation, or open-enrollment charter school campus must notify the superintendent or director of the school district, district of innovation, or charter school not later than the seventh business day after the date:*

(1) of an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (b); or

(2) the principal knew about an educator's criminal record under Subsection (b)(1).

(c) The superintendent or director must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (b-2) or knew about an educator's ~~[employee's criminal record under Subsection (b)(1) or a]~~ termination of employment or resignation following an alleged incident of misconduct described by Subsection (b) or an employee's criminal record under Subsection (b)(1).

(c-1) The report under Subsection (c) must be:

(1) in writing; and

(2) in a form prescribed by the board.

(e) A superintendent, [or] director, or principal of a school district, *district of innovation*, open-enrollment charter school, *regional education service center*, or *shared services arrangement* who in good faith and while acting in an official capacity files a report with the State Board for Educator Certification under this section or communicates with another superintendent, director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed.

(f) The State Board for Educator Certification shall determine whether to impose sanctions, including an administrative penalty under Subsection (i), against a principal who fails to provide notification to a superintendent or director in violation of Subsection (b-2) or against a superintendent or director who fails to file a report in violation of Subsection (c).

(i) If an educator serving as a superintendent or director is required to file a report under Subsection (c) and fails to file the report by the date required by that subsection, or if an educator serving as a principal is required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (b-2) and fails to provide the notice by the date required by that subsection, the State Board for Educator Certification may impose on the educator an administrative penalty of not less than \$500 and not more than \$10,000. The State Board for Educator Certification may not renew the certification of an educator against whom an administrative penalty is imposed under this subsection until the penalty is paid.

(j) A superintendent or director required to file a report under Subsection (c) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct. A principal required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (b-2) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct. An offense under this subsection is a state jail felony.

SECTION 6. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.0061 to read as follows:

Sec. 21.0061. NOTICE TO PARENT OR GUARDIAN ABOUT EDUCATOR MISCONDUCT. (a) The board of trustees or governing body of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct described by Section 21.006(b)(2)(A) or (A-1) informing the parent or guardian:

(1) that the alleged misconduct occurred;

(2) whether the educator was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and

(3) whether a report was submitted to the State Board for Educator Certification concerning the alleged misconduct.

(b) The policy required by this section must require that information specified by Subsection (a)(1) be provided as soon as feasible after the employing entity becomes aware that alleged misconduct may have occurred.

SECTION 7. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.009 to read as follows:

Sec. 21.009. PRE-EMPLOYMENT AFFIDAVIT. (a) An applicant for a position described by Section 21.003(a) or (b) with a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement must submit, using a form adopted by the agency, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

(b) An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

(c) An applicant is not precluded from being employed based on a disclosed charge if the employing entity determines based on the information disclosed in the affidavit that the charge was false.

(d) A determination that an employee failed to disclose information required to be disclosed by an applicant under this section is grounds for termination of employment.

(e) The State Board for Educator Certification may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Section 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

SECTION 8. Section 21.044(g), Education Code, is amended to read as follows:

(g) Each educator preparation program must provide information regarding:

(1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;

(2) the effect of supply and demand forces on the educator workforce in this state;

(3) the performance over time of the educator preparation program;

(4) the importance of building strong classroom management skills; ~~and~~

(5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; *and*

(6) *appropriate relationships, boundaries, and communications between educators and students.*

SECTION 9. Sections 21.054(d) and (e), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

- (1) collecting and analyzing information that will improve effectiveness in the classroom;
- (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (3) integrating technology into classroom instruction; ~~and~~
- (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; and
 - (D) students at risk of dropping out of school; *and*
- (5) *understanding appropriate relationships, boundaries, and communications between educators and students.*

(e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:

- (1) effective and efficient management, including:
 - (A) collecting and analyzing information;
 - (B) making decisions and managing time; and
 - (C) supervising student discipline and managing behavior;
- (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (3) integrating technology into campus curriculum and instruction; ~~and~~
- (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; and
 - (D) students at risk of dropping out of school; *and*
- (5) *preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code.*

SECTION 10. The heading to Section 21.058, Education Code, is amended to read as follows:

Sec. 21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF *OR PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.*

SECTION 11. Sections 21.058(a), (b), (c), (c-1), and (c-2), Education Code, are amended to read as follows:

- (a) The procedures described by Subsections (b) and (c) apply only:
 - (1) *to conviction of or placement on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or*
 - (2) *to conviction of a felony offense under Title 5, Penal Code, ~~for an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and~~*
 - ~~[(2)]~~ *if the victim of the offense was ~~is~~ under 18 years of age at the time the offense was committed.*

(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction or *placement on deferred adjudication community supervision* of a person who holds a certificate under this subchapter, the board shall:

- (1) revoke the certificate held by the person; and
- (2) provide to the person, *to the agency*, and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:
 - (A) the revocation; and
 - (B) the basis for the revocation.

(c) A school district or open-enrollment charter school that receives notice under Subsection (b) of the revocation of a certificate issued under this subchapter shall:

- (1) immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
- (2) if the person is employed under a probationary, continuing, or term contract under this chapter, *with the approval of the board of trustees or governing body or a designee of the board or governing body*:
 - (A) suspend the person without pay;
 - (B) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and
 - (C) terminate the employment of the person as soon as practicable.

(c-1) If a school district or open-enrollment charter school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract under this chapter has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to Subsection (c), the district or school may, *with the approval of the board of trustees or governing body or a designee of the board of trustees or governing body*:

- (1) suspend the person without pay;
- (2) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and
- (3) terminate the employment of the person as soon as practicable.

(c-2) A person's probationary, continuing, or term contract is void if, *with the approval of the board of trustees or governing body or a designee of the board or governing body*, the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) or (c-1)(2).

SECTION 12. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0581 to read as follows:

Sec. 21.0581. REVOCATION FOR ASSISTING PERSON WHO ENGAGED IN SEXUAL MISCONDUCT OBTAIN EMPLOYMENT. (a) *The board may suspend or revoke a certificate held by a person under this subchapter; impose other sanctions against the person, or refuse to issue a certificate to the person under this subchapter if:*

- (1) *the person assists another person in obtaining employment at a school district or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and*
- (2) *the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.*

(b) *The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Section 21.055 issued to or requested by a person subject to board action under Subsection (a).*

SECTION 13. Section 21.062(a), Education Code, is amended to read as follows:

(a) During an investigation by the commissioner of an educator for an alleged incident of misconduct, the commissioner may issue a subpoena to compel:

- (1) *the attendance of a relevant witness; or*
- (2) *the production, for inspection or copying, of relevant evidence that is located in this state.*

SECTION 14. Section 21.355, Education Code, is amended by amending Subsection (a) and adding Subsections (d), (e), and (f) to read as follows:

(a) *A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under Chapter 552, Government Code.*

(d) *A school district or open-enrollment charter school may give the agency a document evaluating the performance of a teacher or administrator employed by the district or school for purposes of an investigation conducted by the agency.*

(e) *Notwithstanding Subsection (a) and except as otherwise provided by a court order prohibiting disclosure, a document provided to the agency under Subsection (d) may be used in a disciplinary proceeding against a teacher or administrator if the document may be admitted under rules of evidence applicable to a contested case, as provided by Section 2001.081, Government Code.*

(f) *A document provided to the agency under Subsection (d) remains confidential unless the document becomes part of the record in a contested case under Chapter 2001, Government Code.*

SECTION 15. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.027 to read as follows:

Sec. 38.027. ELECTRONIC COMMUNICATION POLICY. (a) In this section, "electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mails, text messages, instant messages, and any communications made through an Internet website, including a social media website or a social networking website.

(b) *A school district shall adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district.*

(c) *The policy adopted under this section must:*

(1) *include provisions designed to prevent improper electronic communications between a school employee and a student;*

(2) *allow a school employee to elect to not disclose to students the employee's personal telephone number or e-mail address; and*

(3) *include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.*

SECTION 16. Section 39.057(a), Education Code, is amended to read as follows:

(a) *The commissioner may authorize special accreditation investigations to be conducted:*

(1) *when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;*

(2) *when excessive numbers of allowable exemptions from the required state assessment instruments are determined;*

(3) *in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;*

(4) *in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;*

(5) *when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;*

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter; ~~or~~

(15) *when a school district for any reason fails to produce, at the request of the agency, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification; or*

(16) as the commissioner otherwise determines necessary.

SECTION 17. Subchapter A, Chapter 824, Government Code, is amended by adding Section 824.009 to read as follows:

Sec. 824.009. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY.
(a) *In this section, "qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:*

(1) *Section 21.02 (continuous sexual abuse of young child or children);*

(2) *Section 21.12 (improper relationship between educator and student); or*

(3) *Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault).*

(a-1) *In this section, a "qualifying felony" includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described in Subsection (a).*

(b) *This section applies only to a person who is a member or an annuitant of the retirement system and is or was an employee of the public school system.*

(c) *Except as provided by Subsection (e), a person is not eligible to receive a service retirement annuity from the retirement system if the person is convicted of a qualifying felony the victim of which is a student.*

(d) *The retirement system shall suspend payments of an annuity to a person who is not eligible to receive a service retirement annuity under Subsection (c), as determined by the retirement system, on receipt by the retirement system of:*

- (1) notice of a conviction for a qualifying felony under Subsection (f) or (l);
 - (2) notice of a conviction for a qualifying felony from a district court or district attorney; or
 - (3) any other information the retirement system determines by rule is sufficient to establish a conviction for a qualifying felony.
- (e) A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:
- (1) is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period; and
 - (2) may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person under Subsection (g).
- (f) Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to the retirement system. The notice must comply with rules adopted by the board of trustees under Subsection (k).
- (g) A person who is not eligible to receive a service retirement annuity under Subsection (c) is entitled to a refund of the person's retirement annuity contributions, including interest earned on those contributions.
- (h) Benefits payable to an alternate payee under Chapter 804 who is recognized by a domestic relations order established before September 1, 2017, are not affected by a person's ineligibility to receive a retirement annuity under Subsection (c).
- (i) On conviction of a person for a qualifying felony, a court may, in the interest of justice and in the same manner as in a divorce proceeding, award any portion or all of the service retirement annuity forfeited by the person as the separate property of an innocent spouse if the annuity is partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code. The amount awarded to the innocent spouse may not be converted to community property.
- (j) Ineligibility for a retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.
- (k) The board of trustees of the retirement system shall adopt rules and procedures to implement this section.
- (l) A court shall notify the retirement system of the terms of a person's conviction of a qualifying felony.

SECTION 18. The change in law made by this Act to Section 21.12, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 19. Section 12, Article 42.01, Code of Criminal Procedure, and Article 42.0192, Code of Criminal Procedure, as added by this Act, apply only to a judgment of conviction entered on or after the effective date of this Act.

SECTION 20. Not later than December 31, 2017, the board of trustees of the Teacher Retirement System of Texas shall adopt the rules necessary to implement Section 824.009, Government Code, as added by this Act.

SECTION 21. Section 824.009, Government Code, as added by this Act, applies only to an offense committed on or after the effective date of rules adopted in accordance with that section. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of rules adopted in accordance with 824.009, Government Code, as added by this Act, if any element of the offense occurred before that date.

SECTION 22. This Act takes effect September 1, 2017.

Passed the Senate on March 8, 2017; Yeas 31, Nays 0; the Senate concurred in House amendments on May 15, 2017; Yeas 31, Nays 0; passed the House, with amendments, on May 9, 2017; Yeas 146, Nays 0, two present not voting.

Approved May 26, 2017.

Effective September 1, 2017.

**DECREASING THE FEE FOR THE ISSUANCE OF AN
ORIGINAL OR RENEWED LICENSE TO CARRY A HANDGUN**

CHAPTER 179

S.B. No. 16

AN ACT

relating to decreasing the fee for the issuance of an original or renewed license to carry a handgun.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 411.174(a), Government Code, is amended to read as follows:

(a) An applicant for a license to carry a handgun must submit to the director's designee described by Section 411.176:

(1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) a certified copy of the applicant's birth certificate or certified proof of age;

(4) proof of residency in this state;

(5) two complete sets of legible and classifiable fingerprints of the applicant taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or by a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license under this subchapter;

(6) a nonrefundable application and license fee of \$40 [~~\$140~~] paid to the department;

(7) evidence of handgun proficiency, in the form and manner required by the department;

(8) an affidavit signed by the applicant stating that the applicant:

(A) has read and understands each provision of this subchapter that creates an offense under the laws of this state and each provision of the laws of this state related to use of deadly force; and

(B) fulfills all the eligibility requirements listed under Section 411.172; and

(9) a form executed by the applicant that authorizes the director to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under Section 411.172(a).

SECTION 2. Sections 411.185(a) and (b), Government Code, are amended to read as follows:

(a) To renew a license, a license holder must, on or before the date the license expires, submit to the department by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:

(1) a renewal application on a form provided by the department;

(2) payment of a nonrefundable renewal fee of \$40 [~~as set by the department~~]; and